

## REPORT ON TRAINING CENTER

Pub. L. 107-295, title I, §110(b), Nov. 25, 2002, 116 Stat. 2091, provided that: “The Commandant of the United States Coast Guard, in conjunction with the Secretary of the Navy, shall submit to Congress a report, at the time they submit their fiscal year 2005 budget, on the life cycle costs and benefits of creating a Center for Coastal and Maritime Security. The purpose of the Center would be to provide an integrated training complex to prevent and mitigate terrorist threats against coastal and maritime assets of the United States, including ports, harbors, ships, dams, reservoirs, and transport nodes.”

## PERFORMANCE STANDARDS

Pub. L. 107-295, title I, §111, Nov. 25, 2002, 116 Stat. 2092, provided that: “Not later than January 1, 2004, the Secretary of the department in which the Coast Guard is operating, in consultation with the Transportation Security Oversight Board, shall—

“(1) develop and maintain an antiterrorism cargo identification, tracking, and screening system for containerized cargo shipped to and from the United States either directly or via a foreign port; and

“(2) develop performance standards to enhance the physical security of shipping containers, including standards for seals and locks.”

## REPORT ON FOREIGN-FLAG VESSELS

Pub. L. 107-295, title I, §112, Nov. 25, 2002, 116 Stat. 2092, which required the Secretary of the department in which the Coast Guard is operating to provide an annual report regarding all nations whose flag vessels have entered United States ports in the previous year, a separate list of those nations whose registered flag vessels present certain irregularities, actions taken to improve transparency and security of vessel registration procedures in those nations, and recommendations for legislative or other actions to improve security of United States ports, was repealed by Pub. L. 111-207, §4(a)(2), July 27, 2010, 124 Stat. 2251.

### § 70102. United States facility and vessel vulnerability assessments

(a) INITIAL ASSESSMENTS.—The Secretary shall conduct an assessment of vessel types and United States facilities on or adjacent to the waters subject to the jurisdiction of the United States to identify those vessel types and United States facilities that pose a high risk of being involved in a transportation security incident.

(b) FACILITY AND VESSEL ASSESSMENTS.—(1) Based on the information gathered under subsection (a) of this section, the Secretary shall conduct a detailed vulnerability assessment of the facilities and vessels that may be involved in a transportation security incident. The vulnerability assessment shall include the following:

(A) Identification and evaluation of critical assets and infrastructures.

(B) Identification of the threats to those assets and infrastructures.

(C) Identification of weaknesses in physical security, security against cybersecurity risks, passenger and cargo security, structural integrity, protection systems, procedural policies, communications systems, transportation infrastructure, utilities, contingency response, and other areas as determined by the Secretary.

(2) Upon completion of an assessment under this subsection for a facility or vessel, the Secretary shall provide the owner or operator with

a copy of the vulnerability assessment for that facility or vessel.

(3) The Secretary shall update each vulnerability assessment conducted under this section at least every 5 years.

(4) In lieu of conducting a facility or vessel vulnerability assessment under paragraph (1), the Secretary may accept an alternative assessment conducted by or on behalf of the owner or operator of the facility or vessel if the Secretary determines that the alternative assessment includes the matters required under paragraph (1).

(c) SHARING OF ASSESSMENT INTEGRATION OF PLANS AND EQUIPMENT.—The owner or operator of a facility, consistent with any Federal security restrictions, shall—

(1) make a current copy of the vulnerability assessment conducted under subsection (b) available to the port authority with jurisdiction of the facility and appropriate State or local law enforcement agencies; and

(2) integrate, to the maximum extent practical, any security system for the facility with compatible systems operated or maintained by the appropriate State, law enforcement agencies, and the Coast Guard.

(Added Pub. L. 107-295, title I, §102(a), Nov. 25, 2002, 116 Stat. 2068; amended Pub. L. 108-458, title IV, §4072(b), Dec. 17, 2004, 118 Stat. 3730; Pub. L. 111-281, title VIII, §822, Oct. 15, 2010, 124 Stat. 3003; Pub. L. 115-254, div. J, §1805(d)(1), Oct. 5, 2018, 132 Stat. 3535.)

## Editorial Notes

## AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-254, §1805(d)(1)(A), struck out “and by not later than December 31, 2004” after “subsection (a) of this section” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 115-254, §1805(d)(1)(B), inserted “security against cybersecurity risks,” after “physical security,”.

2010—Subsec. (c). Pub. L. 111-281 added subsec. (c).

2004—Subsec. (b)(1). Pub. L. 108-458 substituted “and by not later than December 31, 2004, the Secretary” for “, the Secretary” in introductory provisions.

## Statutory Notes and Related Subsidiaries

## EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-254, div. J, §1805(d)(3), Oct. 5, 2018, 132 Stat. 3535, provided that: “The amendments made by this subsection [amending this section and section 70103 of this title] shall apply to assessments or security plans, or updates to such assessments or plans, submitted after the date that the cybersecurity risk assessment model is developed under subsection (a) [46 U.S.C. 70112 note].”

## COORDINATION WITH TSA ON MARITIME FACILITIES

Pub. L. 115-254, div. J, §1803, Oct. 5, 2018, 132 Stat. 3533, provided that: “The Secretary of Homeland Security shall—

“(1) provide the Administrator of the TSA [Transportation Security Administration] with updates to vulnerability assessments required under section 70102(b)(3) of title 46, United States Code, to avoid any duplication of effort between the Coast Guard and the TSA; and

“(2) identify any security gaps between authorities of operating entities within the Department of Homeland Security that a threat could exploit to cause a transportation security incident (as defined in section 70101 of title 46, United States Code).”

## DEFINITIONS

Pub. L. 115-254, div. J, § 1802, Oct. 5, 2018, 132 Stat. 3533, provided that: “In this division [see section 1801 of Pub. L. 115-254, set out as a Short Title of 2018 Amendment note under section 101 of this title]:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Commerce, Science, and Transportation of the Senate;

“(B) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(C) the Committee on Homeland Security of the House of Representatives; and

“(D) the Committee on Transportation and Infrastructure of the House of Representatives.

“(2) TSA.—The term ‘TSA’ means the Transportation Security Administration.”

**[§ 70102a. Repealed. Pub. L. 116-283, div. G, title LVXXXV [LXXXV], § 8507(d)(1), Jan. 1, 2021, 134 Stat. 4754]**

Section, as added and amended Pub. L. 115-282, title IV, § 408(a), (b), Dec. 4, 2018, 132 Stat. 4268, related to port, harbor, and coastal facility security.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF REPEAL**

Repeal effective Dec. 4, 2018, and as if included in Pub. L. 115-282, see section 8507(d)(7) of Pub. L. 116-283, set out as an Effective Date of 2021 Amendment note under section 1226 of Title 33, Navigation and Navigable Waters.

**§ 70103. Maritime transportation security plans**

(a) NATIONAL MARITIME TRANSPORTATION SECURITY PLAN.—(1) The Secretary shall prepare a National Maritime Transportation Security Plan for deterring and responding to a transportation security incident.

(2) The National Maritime Transportation Security Plan shall provide for efficient, coordinated, and effective action to deter and minimize damage from a transportation security incident, and shall include the following:

(A) Assignment of duties and responsibilities among Federal departments and agencies and coordination with State and local governmental agencies.

(B) Identification of security resources.

(C) Procedures and techniques to be employed in deterring a national transportation security incident.

(D) Establishment of procedures for the coordination of activities of—

(i) Coast Guard maritime security teams established under this chapter; and

(ii) Federal Maritime Security Coordinators required under this chapter.

(E) A system of surveillance and notice designed to safeguard against as well as ensure earliest possible notice of a transportation security incident and imminent threats of such a security incident to the appropriate State and Federal agencies.

(F) Establishment of criteria and procedures to ensure immediate and effective Federal identification of a transportation security incident, or the substantial threat of such a security incident.

(G) Designation of—

(i) areas for which Area Maritime Transportation Security Plans are required to be prepared under subsection (b); and

(ii) a Coast Guard official who shall be the Federal Maritime Security Coordinator for each such area.

(H) A risk-based system for evaluating the potential for violations of security zones designated by the Secretary on the waters subject to the jurisdiction of the United States.

(I) A recognition of certified systems of intermodal transportation.

(J) A plan for ensuring that the flow of cargo through United States ports is reestablished as efficiently and quickly as possible after a transportation security incident.

(K) A plan to detect, respond to, and recover from cybersecurity risks that may cause transportation security incidents.

(3) The Secretary shall, as the Secretary considers advisable, revise or otherwise amend the National Maritime Transportation Security Plan.

(4) Actions by Federal agencies to deter and minimize damage from a transportation security incident shall, to the greatest extent possible, be in accordance with the National Maritime Transportation Security Plan.

(5) The Secretary shall inform vessel and facility owners or operators of the provisions in the National Transportation Security Plan that the Secretary considers necessary for security purposes.

(b) AREA MARITIME TRANSPORTATION SECURITY PLANS.—(1) The Federal Maritime Security Coordinator designated under subsection (a)(2)(G) for an area shall—

(A) submit to the Secretary an Area Maritime Transportation Security Plan for the area; and

(B) solicit advice from the Area Security Advisory Committee required under this chapter, for the area to assure preplanning of joint deterrence efforts, including appropriate procedures for deterrence of a transportation security incident.

(2) The Area Maritime Transportation Security Plan for an area shall—

(A) when implemented in conjunction with the National Maritime Transportation Security Plan, be adequate to deter a transportation security incident in or near the area to the maximum extent practicable;

(B) describe the area and infrastructure covered by the plan, including the areas of population or special economic, environmental, or national security importance that might be damaged by a transportation security incident;

(C) describe in detail how the plan is integrated with other Area Maritime Transportation Security Plans, and with facility security plans and vessel security plans under this section;

(D) include consultation and coordination with the Department of Defense on matters relating to Department of Defense facilities and vessels;

(E) establish area response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the SAFE Port Act of 2006 (6 U.S.C. 942) and subsection (a) of this section;